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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,737	10/11/2000	Shumpei Takenaka	35.C14864	3844
5514	7590	02/02/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			PARK, CHAN S	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	

2622

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/685,737

Applicant(s)

TAKENAKA ET AL.

Examiner

CHAN S PARK

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/21/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 1/6/05, and has been entered and made of record. Currently, **claims 15-20** are pending.

Information Disclosure Statement

2. An initialed and dated copy of Applicant's corrected IDS form 1449, is attached to the instant Office action.

Response to Arguments

3. Applicant's arguments with respect to **claims 15, 17 and 19** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 16, 18 and 20** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Particularly, the limitation, "... in a case where images less than images designated by said print image number designation means and at least one or more images can be printed on one page..." is indefinite. It is uncertain as to which two sets

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of images are compared. Examiner suggests the applicant to amend the limitation as such:

“... in a case where the number of images can be printed on the sheet is less than the number of images designated by said print image number designation means and at least one or more of the images can be printed on ~~one~~ a separate page ...”

With respect to claims 18 and 20, arguments analogous to those presented for claim 16, are applicable.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. European Patent No. 0920186 A2 (hereinafter Suzuki) in view of Watt et al. U.S. Patent No. 6,559,971 (hereinafter Watt).

5. With respect to claim 15, Suzuki discloses a print control apparatus for printing a plurality of images, comprising:

print size designation means for designating a print size (image frame size) for each of the plurality of images to be printed (col. 9, lines 4-17);

print image number designation means for designating a number of images to be printed on a page (col. 12, lines 23-25); and

control means for controlling execution of a print by reducing each of the print sizes designated by said print size designation means, in a case where no image can be printed on a printable area of the page while maintaining the print size designated by said print designation means (col. 41, line 52 – col. 42, line 5).

Suzuki does not disclose expressly sheet size designation means for designating a sheet size on which an image to be printed is printed.

Watt, the same field of endeavor of the image resizing art, discloses a print control apparatus for printing a plurality of images (col. 1, lines 15-19), comprising:

sheet size designation means for designating a sheet size on which an image to be printed is printed (col. 7, lines 27-35); and

control means for controlling for controlling execution of a print by reducing each of the images, in a case where no image can be printed on a printable area of the sheet designated by the sheet size designation means while maintaining the print size designated by said print designation means (col. 2, lines 16-31 & col. 6, lines 38-40).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the sheet size designation means of Watt into the print control apparatus of Suzuki.

The suggestion/motivation for doing so would have been to use the print control apparatus of Suzuki on a plurality of different sheet sizes.

Therefore, it would have been obvious to combine Suzuki with Watt to obtain the invention as specified in claim 15.

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6. With respect to claim 17, arguments analogous to those presented for claim 15, are applicable.

7. With respect to claim 19, arguments analogous to those presented for claim 15, are applicable.

Allowable Subject Matter

8. **Claims 16, 18 and 20** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

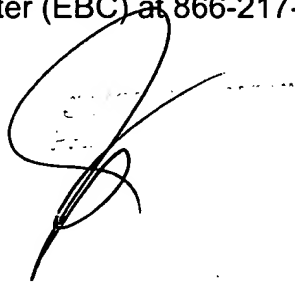
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S PARK whose telephone number is (703) 305-2448. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chan S. Park
Examiner
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csp
January 21, 2005